

Appln. No. 09/826,786

Attorney Docket No. 10954-003

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-30 remain pending.

***Claim Rejections - 35 U.S.C. § 112***

In the office action, the examiner rejected claim 13 as failing to comply with the written description requirement and as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It is respectfully submitted that claim 13 is not indefinite and does comply with the written description requirement.

Claim 13 recites that "the composite survey response is unrelated to the survey questionnaire". Paragraph [0028] relates to claim 13 and describes a circumstance where the composite survey response is not related to the survey questionnaire. More specifically, that paragraph describes the situation where the survey questionnaire may relate to one make, model and year of a vehicle, while the composite survey response relates to second make, model and year of a vehicle. The situation of this example may arise where a client is interested in purchasing the second vehicle and currently owns the first vehicle:

Clearly, the subject of the survey questionnaire (the make, model and year of the first vehicle) is unrelated to the subject of the composite survey response (the make, model and year of the second vehicle). To further alleviate any potential for ambiguity, claim 1 has been amended to delete the last six words of the original claim.

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Accordingly, it is submitted that claim 13 is not in violation of the written description requirement and is not indefinite. Withdrawal of the rejection under 35 U.S.C. § 112 is therefore requested.

*Claim Rejections - 35 U.S.C. §103(a)*

Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,807,518 to Lang ("Lang") in view of the article entitled "Visitors welcomed to the Lexus Center of Performance Art, the automaker's worldwide website" ("Lexus"). Applicant respectfully traverses this rejection.

It is noted that the present application claims priority to provisional application number 60/195,127, filed April 6, 2000. In order for a reference to be available as a reference as under § 103(a), it must qualify as prior art under § 102. Since Lang was filed (April 15, 2000) after the priority filing date of the present application, Lang does not qualify as prior art under § 102. Accordingly, the rejection under § 103 is improper and should be withdrawn. Such action is requested.

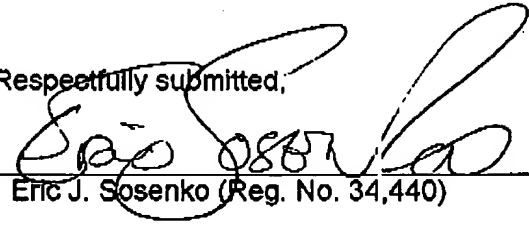
*Conclusion*

In that all of the rejections of all the claims have been overcome, it is submitted that the application is in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

July 7, 2005

Date

  
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EJS/alr

Attachments: None

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